

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN R. LANKFORD,

Plaintiff,

DECISION AND ORDER

07-CV-6264L

v.

CSX TRANSPORTATION, INC. and
CONSOLIDATED RAIL CORPORATION, et al.,

Defendants.

Defendants CSX Transportation, Inc. and Consolidated Rail Corporation filed a motion to dismiss for plaintiff's failure to comply with the Court's discovery orders. By order entered October 1, 2008 (Dkt. #59), this Court set a scheduling order for replying to the motion. That order is hereby vacated.

The motion is referred to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b) to conduct all proceedings relative to the motion and to issue a Report and Recommendation to this Court as to whether the complaint should be dismissed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 7, 2008.